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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Telecommunications Relay Services)	CC Docket No. 98-67
And Speech-to-Speech Services for)	CG Docket No. 03-123
Individuals with Hearing and Speech)	
Disabilities;)	
)	
Petition of Telco Group for Declaratory)	
Ruling or Waiver)	

COMMENTS

1. Globecomm Systems, Inc. ("GSI") hereby submits its comments in response to the Petition for Declaratory Ruling, or in the Alternative, Petition for Waiver ("Petition") filed by Telco Group, Inc. ("Telco Group") on July 26, 2004, requesting that the Federal Communications Commission ("FCC" or "Commission") issue a declaratory ruling excluding international revenues from the revenue base used to calculate payments due the Telecommunications Relay Services ("TRS") Fund, or alternatively to extend a waiver to Telco Group. GSI supports Telco Group's request at least to the extent that the international revenues do not originate or terminate in the U.S.¹

2. GSI provides only international services. For calls originating or terminating in the U.S., its service consists of a satellite portion (to carry the traffic between the U.S. and the foreign "hub" site) and a portion that runs over the PSTN or VoIP circuits of other telecom carriers from whom it leases lines. However, a great majority of its traffic does not originate or

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terminate in the U.S. and involves only foreign traffic delivered via satellite.² This traffic only transits the U.S., down-linked only for accounting purposes or to connect with another telecom carrier and is never delivered or accessed to or by the general public or end user in the U.S.

3. Section 64.604(c)(5)(iii)(A) of the Commission's rules states that "[e]very carrier providing *interstate* telecommunications services shall contribute to the TRS Fund on the basis of *interstate* end-user telecommunications revenues as described herein" [emphasis added].³ The Commission defines the term "interstate communication" as "communication or transmission (A) from any State, Territory, or possession of the United States (other than the Canal Zone), or the District of Columbia, to any other State, Territory, or possession of the United States (other than the Canal Zone), or the District of Columbia, (B) from or to the United States to or from the Canal Zone, insofar as such communication or transmission takes place within the United States, or (C) between points within the United States but through a foreign country".⁴

4. As Telco Group points out, the TRS Fund was originally adopted as a funding mechanism to compensate TRS providers for the costs of providing eligible TRS services.⁵ TRS allow individuals that are speech- or hearing-impaired to engage in voice communications in a manner "functionally equivalent" to that of those persons without such impairments. The National Exchange Carrier Association ("NECA") administers the Fund based on a carrier contribution factor established by NECA and approved by the Commission.

¹ GSI is aware that these Comments are late filed. A complete record on the issue is in the public interest and so requests the Commission to consider its comments. In addition to these Comments, GSI has also submitted a Petition for Declaratory Ruling to the Commission.

² GSI only questions the imposition of the obligation to contribute to the TRS Fund based on those revenues arising from traffic which does not originate and terminate in the U.S.

³ 47 C.F.R. § 64.604(c)(5)(iii)(A).

⁴ 47 U.S.C. § 153(22); *Report and Order*, Federal-State Joint Board on Universal Service, 12 FCC Rcd 8776 at 9173 (May 7, 1997).

⁵ Petition at p. 2.

5. As Telco Group also points out, initially the Commission determined that it would include international revenues in its calculation of the TRS Fund payment obligations based on the comment of one carrier but without any analysis or discussion.⁶ The Commission noted that "Sprint argues that international services should be included because TRS providers will be compensated by the administrator for international TRS minutes of use".⁷ Even if it is accepted that such a comment without further discussion or consideration is sufficient basis to impose such an obligation, this basis for imposition of the payment obligation is incorrect because GSI's international revenues are for traffic that does not originate or terminate in the U.S. and hence no TRS services are available and no TRS providers will be compensated for the use of GSI's traffic.⁸

6. Contrary to the position taken by Telecommunications for the Deaf, Inc. ("TDI"), the TRS Fund does not differ from the Universal Service Fund ("USF") for the purposes of the TRS Fund. The Commission has specifically exempted such revenues from the contribution base for the USF because it found that international services did not directly benefit from the USF.⁹ The instructions for FCC Form 499-A explicitly state:

"Line 412 - International calls that traverse the United States but both originate and terminate in foreign points are excluded from the universal service contribution base regardless of whether the service is provided to reseller or to end users."

⁶ Petition at p. 7; *Telecommunications Relay Service, and the Americans with Disabilities Act of 1990, Third Report and Order*, 8 FCC Rcd 5300 n. 14 (1993) ("Third Report and Order").

⁷ *Id.*

⁸ MCI states in its Opposition that it would be unfairly disadvantaged in international markets and TDI states that TRS would be disadvantaged by contributions not being imposed on international traffic. However, international traffic which does not originate or terminate in the U.S. is a separate issue and not similar to the service that MCI provides for international calling services. Those carriers which benefit from the TRS Fund for international services would still be required to contribute and TRS services would still be available to callers making international calls.

⁹ Opposition of Telecommunications for the Deaf, Inc. at p. 2. *Federal-State Joint Board on Universal Service, Eighth Report and Order*, 15 FCC Rcd 1679, ¶ 22 (1999).

Likewise, GSI does not directly benefit from the TRS Fund and should not be obligated to contribute to the TRS Fund based on its revenues arising from revenues from that traffic which does not originate or terminate in the U.S.¹⁰

7. Traffic which does not originate or terminate in the U.S. does not qualify as an interstate telecommunications service nor do the revenues qualify as interstate end user telecommunications revenues which are intended to be the basis for the TRS Fund contribution obligation. Therefore, revenues based on such traffic should be exempt from the formula for the imposition of the TRS Fund contribution. This result is consistent with the Commission's decisions relating to the USF and is also consistent with the underlying rationale that those entities contributing to the TRS Fund benefits from the fund. Therefore, GSI submits that revenues arising from international traffic not originating or terminating in the U.S. should not be used to determine a carrier's contribution to the TRS Fund.

Respectfully submitted,



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February 14, 2006

¹⁰ The TRS Fund generally compensates for voice-to-text, text-to-voice, speech-to-speech, video relay service ("VRS"), IP relay service, and Spanish language interpreting. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order on Reconsideration*, FCC 05-139, 2005 FCC LEXIS 4084 (July 14, 2005). Such services are not available on GSI traffic which originates and terminates outside the U.S.

CERTIFICATE OF SERVICE

I, Mary Jane Thomson, do hereby certify that I have, this 14th day of February, 2006, caused to be sent by first class United States mail, postage prepaid, copies of the foregoing "Comments" to the following:


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